

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD
REPEALING, AMENDING , REPEALING AND RECREATING, AND CREATING RULES

The State of Wisconsin Natural Resources Board proposes an order to repeal NR 45.12 (1)(c)5.; to amend NR 45.05(3)(e), 45.06(4)(f), 45.10(1)(k) and (4)(a) and 45.12(1)(b)2.b. and (c)6., , to repeal and recreate NR 45.13(22); and to create NR 1.33, 45.03(8f) and (16m), 45.04(1)(e), (3) (p), (r) and (s), 45.08(5), 45.10(1)(n), (2m)(f), 45.12(1)(b) 2.e. and f. , 45.13(1)(e) and (8m) and 45.13(23) relating to public use of department lands.

LF-04-01

Analysis Prepared by Department of Natural Resources

Authorizing statutes: ss. 23.09(2)(intro.), 23.11(1), 23.28(3), 27.01(2)(j) and 227.11(2)(a), Stats.
Statutes interpreted: ss. 23.09(2)(intro.), 23.28(3), 27.01(2) (i) and (j), and 28.03, Stats.

Chapter NR 45 contains the administrative rules for the use of Department properties. This chapter is reviewed and revisions proposed by Department staff every two years.

The rule creates a Board policy recognizing rock climbing and gives the Department authority to regulate climbing activities.

Current rules prohibit the possession and use of marijuana but do not contain a provision prohibiting drug paraphernalia. Currently the possession of drug paraphernalia would have to be charged as a crime under s. 961.573, Wis. Stats. This rule package contains a rule to allow the Department to issue citations for use or possession of drug paraphernalia.

New rules would add a number of provisions for the Willow Flowage scenic area consistent with the recently approved master plan or consistent with practices on the other northern flowage properties. There is language stating that bicycles are permitted in all areas except where posted. There is also a rule designed to eliminate the current practice of people setting up equipment to save a camping site and not occupying the site. New rules would also add the Willow Flowage to the list of properties where camping permits are not required and the payment of fees is waived. A rule revision will limit camping to 10 days consistent with the other northern flowages. A rule has been added for the Willow Flowage limiting the number of people in the group sites to 15 consistent with the master plan and to control campsite damage to the Willow Flowage's fragile and erosion prone campsites.

The rule package contains three rule changes pertaining to the Black River State Forest. One adds the Black River state forest to the properties prohibiting pets in the indoor group camps. Another one requires that group camp reservations only be accepted for a minimum of 2 days on the weekends. The third change is the addition of two sites within the forest to the vehicle admission area list.

There is also a revision to the rule which states that there is no vehicle admission fee charged for the Peninsula State Park golf course. The new rule states that the fee exemption is applicable only to golf course and clubhouse patrons.

Fishing will be prohibited in marked swimming beaches.

Authority is given to the Department to control the types of firearms legal for use at the Nevin Springs Fish and Wildlife Area in the City of Fitchburg.

A reference to the Old Wade House has been dropped from the rule because control over this property has been transferred to the State Historical Society.

Lastly, there is a new code which prohibits jumping or diving from the cliffs into the St. Croix River at Interstate park in locations likely to cause injury. This change parallels a recent National Park Service regulation.

SECTION 1. NR 1.33 is created to read:

NR 1.33 Policy on rock climbing. Rock climbing is a traditional recreational activity that may occur on non-designated use areas on department lands, and is consistent with the department's mission to provide recreational opportunities to the public. Rock climbing should be considered in master planning for department properties which contain areas where rock climbing may occur.

SECTION 2. NR 45.03(8f) and (16m) are created to read:

NR 45.03(8f) "Climbing activity" includes any of the following:

(a) Ascending or descending steep rock walls, ice walls or artificial structures, usually with the assistance of specialized rock climbing equipment including ropes, webbing and carabiners.

(b) Practicing the use of specialized rock climbing equipment near the ground.

(16m) "Organized climbing group" means a group engaged in rock climbing activities that is organized, sponsored, transported or supervised by a school, university, youth group, club, social organization, church, business, guide service or similar organization.

SECTION 3. NR 45.04(1)(e) is created to read:

NR 45.04(1)(e) The department may, by posted notice, restrict climbing activities on any lands subject to this chapter. Notice of climbing restrictions shall be posted at the administrative office of the property and at the site where the climbing restrictions apply.

SECTION 4. NR 45.04(3)(p), (r) and (s) are created to read:

NR 45.04(3)(p) *Possession of drug paraphernalia.* No person may use or possess drug paraphernalia as defined in s. 961.573(1), Stats.

(r) *Climbing permits.* The department may require organized climbing groups to obtain a permit prior to engaging in rock climbing activities. Permit requirements shall be posted at the administrative office for the property subject to the permit requirement. The department may use the permit to limit the number of climbers and the time, manner and location of the climbing. No climbing group or member of a climbing group may engage in climbing activities without a permit or contrary to permit conditions when at a location subject to a permit requirement.

(s) *Climbing.* No person may engage in climbing activities, including the attachment of climbing anchors, on buildings, towers and boardwalks and other similar structures.

SECTION 5. NR 45.05(3)(e) is amended to read:

NR 45.05(3)(e) *Bicycles.* Except where provided in this chapter, bicycles are prohibited on all department lands except on public highways and areas or trails posted for their use. Bicycles are permitted in all areas, except where posted against such use, on the northern state forests ~~and~~ ^{the}

Turtle-Flambeau and the Willow flowage scenic waters ~~area~~ areas.

SECTION 6. NR 45.06(4)(f) is amended to read:

(4)(f) Pets are prohibited in the indoor group camps and related facilities at Wyalusing state park, Kettle Moraine state forest – northern unit ~~and~~, the MacKenzie environmental center and the Black River state forest.

SECTION 7. NR 45.08(5) is created to read:

NR 45.08(5) No person may fish in any marked swimming beach in any state park, state recreation area or state forest.

SECTION 8. NR 45.10(1)(k) is amended to read:

NR 45.10(1)(k) Camping permits are not required and payment of camping fees are waived when camping on state-owned islands in the Mississippi river or state-owned islands or sandbars in the Lower Wisconsin state riverway, on state-owned islands outside state forest boundaries when the island is posted open to camping, designated ~~watercraft~~ campsites on the Willow flowage and designated watercraft campsites in the northern state forests, Turtle-Flambeau scenic ~~water~~ waters area or Chippewa flowage.

SECTION 9. NR 45.10(1)(n) is created to read:

NR 45.10(1)(n) When camping at designated campsites at the Willow flowage or designated watercraft campsites at the Turtle-Flambeau scenic waters area, the campsite shall be occupied by the camping party on the first night camping equipment occupies the site, and the campsite may not be left unoccupied by the camping party for more than one night thereafter.

SECTION 10. NR 45.10(2m)(f) is created to read:

NR 45.10(2m)(f) No more than one camping party may occupy a single group campsite and no camping party may exceed 15 persons on the Willow Flowage scenic waters area.

SECTION 11. NR 45.10(4)(a) is amended to read:

NR 45.10(4)(a) Group camp reservations for Wyalusing and the Black River state forest shall be accepted only for a minimum of 2 days on weekends.

SECTION 12. NR 45.12(1)(b)2.b. is amended to read:

NR 45.12(1)(b)2.b. East fork campground and picnic area

SECTION 13. NR 45.12(1)(b)2.e. and 2.f. are created to read:

NR 45.12(1)(b)2.e. East Fork indoor group camp and parking area

2.f. East Fork Horse campgrounds

SECTION 14. NR 45.12(1)(c)5. is repealed.

SECTION 15. NR 45.12(1)(c)6. is amended to read:

NR 45.12(1)(c)6. Peninsula state park golf course (May 1 through October 31); applies to golfers and clubhouse patrons only

SECTION 16. NR 45.13(1)(e) and (8m) are created to read:

NR 45.13(1)(e) No person may engage in rock climbing except at the Dalles of the St. Croix state natural area in Interstate state park and the East Bluff state natural area at Devil's Lake state park, or other areas where the management plan allows rock climbing and in which climbing is allowed by posted notice.

(8m) INTERSTATE STATE PARK. No person may jump or dive into the St. Croix river from the park boat ramp upstream to the highway 8 bridge.

SECTION 17. NR 45.13(22) is repealed and recreated to read:

NR 45.13(22) NEVIN SPRINGS FISH AND WILDLIFE AREA. The department may by posted notice restrict the use of center-fire and rim-fire rifles, handguns and shotguns with slugs.

SECTION 18. NR 45.13(23) is created to read:

NR 45.13(23) WILLOW FLOWAGE SCENIC WATERS AREA. Camping is restricted to 10 days at designated campsites.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on September 26, 2001, December 5, 2001 and January 23, 2002.

The rules shall take effect on upon publication in the Wisconsin administrative register as provided in s. 227.22(2)(intro.), Stats.

Dated at Madison, Wisconsin _____

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
Darrell Bazzell, Secretary

(SEAL)